

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHN ROBERT DEMOS, JR.,

Petitioner,

Case No. 2:14-CV-00289-RSL-BAT

V.

KING COUNTY SUPERIOR COURT.

### Respondent.

## **REPORT AND RECOMMENDATION**

**Bar-order litigant John Demos** filed an application to proceed *in forma pauperis* with a proposed 28 U.S.C. § 2254 habeas petition.<sup>1</sup> (Dkt. 1.) An Order of this Court, however, provides for the return without filing of any petition by Mr. Demos that seeks an extraordinary writ pursuant to 28 U.S.C. §§ 1651, 2253 or 2254, unless accompanied by the filing fee. *See Demos v. Stanley*, MC97-0031-JLW (W.D. Wash. Mar. 13, 1997).

As petitioner has submitted no filing fee, the Court recommends that, pursuant to the Court's Order of March 13, 1997, the Clerk be **DIRECTED** to administratively close this matter and to strike any pending motions as moot. Moreover, Mr. Demos may not proceed with a second or successive habeas petition here unless and until the Ninth Circuit authorizes its filing.

<sup>1</sup> Although Mr. Demos submitted his petition on a 28 U.S.C. § 2255 form, this matter is properly characterized as a 28 U.S.C. § 2254 habeas petition because he challenges his state-court conviction and sentence.

1 *See* 28 U.S.C. § 2244(b)(3)(A). A proposed Order is attached. This matter may be noted for  
2 consideration immediately.

3 DATED this 4th day of March, 2014.

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6 BRIAN A. TSUCHIDA  
7 United States Magistrate Judge